



OPP-2002-0231  
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February 25, 1997

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McCormick Place  
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The Honorable Lynn R. Goldman  
Assistant Administrator for Prevention,  
Pesticides & Toxic Substances  
U.S. Environmental Protection Agency  
401 M Street, SW  
Mail Code - 7101  
Washington, DC 20460

Dear Madam Administrator:

As we advised you on December 13, 1996, the National Association of State Departments of Agriculture (NASDA) and the Association of American Pesticide Control Officials (AAPCO) formed a joint task force to review the situation surrounding section 18 emergency exemptions under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The task force has concluded its work and its report has been approved by the full NASDA membership and the AAPCO Board of Directors. We commend the report to you and other agency officials who are preparing the proposed changes to the section 18 process.

In November, 1996, the agency held a two-day workshop on the section 18 process. While a number of activities designed to improve the section 18 process began over a year ago, the passage of the Food Quality Protection Act (FQPA) of 1996 introduced a number of new complexities to the dialogue.

During the 1996 workshop, EPA sought input from stakeholders on how the process should be changed to better serve the needs of the states and producers, and discussed the provisions of the FQPA which will require a time-limited tolerance for certain section 18 requests. At the conclusion of the workshop, agency officials asked stakeholders to provide EPA with additional assistance as a proposed rule was drafted. To fulfill that request, NASDA and AAPCO appointed the task force referred to above to provide the agency with the position of the states on the section 18 process and situation. You should read the attached report as comments to a notice of advanced rulemaking, had the agency published one.

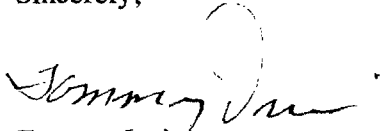
We strongly believe that the section 18 process cannot be dealt with in a piece-meal fashion. In our opinion, the agency should not publish a proposed rule that deals only with the time-limited tolerance requirement. The proposed rule must be all encompassing, addressing the time-limited tolerance requirement, resistance management, multi-year exemptions and delegation of authority to state, the criteria for significant economic loss, exemptions based on reduced risk, and monitoring requirements.

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As your partners in the regulation of pesticides to protect public health and the environment, we appreciate the opportunity to share the thoughts of the states regarding the section 18 process.

Sincerely,



Tommy Irvin  
Chairman, NASDA Pesticide  
Regulation Committee Commissioner,  
Georgia Department  
of Agriculture



John L. Smith  
President, AAPCO  
Administrator, Pesticide Section, Food  
and Drug Protection Division, North  
Carolina Department of Agriculture

cc: The Honorable Richard Rominger  
The Honorable Richard G. Lugar  
The Honorable Tom Harkin  
The Honorable Robert F. Smith  
The Honorable Charles W. Stenholm  
The Honorable Bob Goodlatte  
The Honorable Eva Clayton  
The Honorable Thomas J. Bliley, Jr.